

## Message Text

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PAGE 01 TOKYO 00794 180815Z  
ACTION COME-00

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FM AMEMBASSY TOKYO  
TO SECSTATE WASHDC PRIORITY 4407  
INFO AMEMBASSY PARIS

UNCLAS TOKYO 0794

PARIS PASS TO ASSISTANT SECRETARY OF COMMERCE WEIL

E.O. 11652: N/A  
TAGS: BEXP, ETRD, JA, US  
SUBJECT: TRADE FACILITATION COMMITTEE: EXPORT MILITARY SALES CO.

REF: STATE 8657

1. SUMMARY: BECAUSE THE CUSTOMS CLEARANCE DIFFICULTIES EXPERIENCED BY A REPRESENTATIVE OF EXPORT MILITARY SALES CO. ON HIS ARRIVAL IN TOKYO WERE THE SAME AS MIGHT BE ANTICIPATED BY A BUSINESSMAN ARRIVING IN THE U.S. UNDER SIMILAR CIRCUMSTANCES, THE EMBASSY DID NOT BELIEVE THAT THE SUBJECT CASE WAS SUITABLE FOR CONSIDERATION BY THE TRADE FACILITATION COMMITTEE (TFC). THE EMBASSY WISHES TO MAINTAIN THE TFC CHANNEL FOR DEMONSTRABLY UNWARRANTED IMPEDIMENTS TO U.S. EXPORTS. TO UTILIZE THAT CHANNEL FOR UNJUSTIFIED OR ISOLATED CASES WOULD SIGNIFICANTLY LESSEN ITS CONTRIBUTION TO THE OVERALL USG EFFORT TO REDUCE JAPANESE TRADE BARRIERS. END SUMMARY.

2. THE SUBJECT CASE INVOLVED A DELAY IN CUSTOMS CLEARANCE ENCOUNTERED BY A U.S. BUSINESSMAN WHO ARRIVED IN TOKYO AT THE BEGINNING OF A LONG HOLIDAY WEEKEND. AFTER RECEIPT FROM COMMERCE OF THE LETTER  
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FROM MR. JAMES W. HARPER, DESCRIBING HIS PROBLEM, THE LETTER WAS GIVEN TO THE U.S. CUSTOMS ATTACHE FOR COMMENT. THE TEXT OF HIS MEMORANDUM TO THE COMMERCIAL COUNSELOR IS QUOTED IN PARA 5 BELOW.

3. ON THE BASIS OF THIS OPINION, THE EMBASSY DETERMINED THAT THE COMPLAINT FROM EXPORT MILITARY SALS CO. DID

NOT WARRANT CONSIDERATION BY THE TFC. INDEED, WERE WE TO SUBMIT CASES WHICH DO NOT CLEARLY INVOLVE DIFFICULTIES WHICH ARE UNIQUELY RELATED TO THE "JAPANESE TRADE PRACTICES OR PROCEDURES" NOTED IN THE TFC TERMS OF REFERENCE, WE WOULD UNDERMINE THE CREDIBILITY OF A CHANNEL WHICH WE HOPE, OVER TIME, WILL BE EXTREMELY VALUABLE IN FACILITATING U.S. IMPORTS INTO JAPAN.

4. FOR SIMILAR REASONS, IN A CASE INVOLVING ABBOTT LABORATORIES, WE ASKED THE WRITER TO RECAST HIS LETTER TO ELIMINATE MENTION OF THE SECOND OF HIS TWO PROBLEMS. AT ISSUE WAS WHETHER THE EMBASSY SHOULD UTILIZE THE TFC TO REQUEST A DIRECT GOJ BUDGETARY ALLOCATION FOR PURCHASE BY HOSPITALS OF A PARTICULAR TYPE OF MEDICAL EQUIPMENT MADE BY THE U.S. COMPANY. AGAIN, THE EMBASSY DETERMINED THAT THE TFC CHANNEL WAS NOT APPROPRIATE, BUT HAS OFFERED THE SERVICES OF ITS FSL MEDICAL EQUIPMENT SPECIALIST, RECENTLY RETURNED FROM THE U.S., IN AN EFFORT TO BE OF ASSISTANCE.

5. BEGIN TEXT OF CUSTOMS ATTACHE'S MEMORANDUM: I HAVE READ THE ATTACHED LETTER FROM MR. JAMES W. HARPER TO SECRETARY KREPS AND SUBMIT THE FOLLOWING COMMENTS.

THE DIFFICULTIES ENCOUNTERED BY MR. HARPER UPON HIS ARRIVAL AT HANEDA AIRPORT WERE THE SAME THAT UNCLASSIFIED

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HE SHOULD ANTICIPATE UPON ARRIVAL AT U.S. PORT OF ENTRY UNDER SIMILAR CIRCUMSTANCES. IN THE ABSENCE OF SPECIFIC INFORMATION ON TIMES AND CIRCUMSTANCES, IT IS IMPOSSIBLE TO KNOW WHAT TRANSPIRED BETWEEN MR. HARPER AND JAPAN CUSTOMS OFFICIALS. HOWEVER, BASED UPON MY OWN EXPERIENCE, I SUGGEST THAT THE FOLLOWING EXPLANATION MIGHT BE APPLICABLE.

MR. HARPER DEPARTED THE UNITED STATES WITHOUT OBTAINING THE ADVICE AND ASSISTANCE OF A BROKER. HE SHIPPED EIGHT (8) BOXES OF SAMPLE SHOES AS EXCESS BAGGAGE BECAUSE THIS IS SOMEWHAT CHEAPER THAN THE COST OF AIR FREIGHT. HE TRIED TO DECLARE THIS COMMERCIAL SHIPMENT AS BAGGAGE AND THE INSPECTOR WOULD NOT RELEASE THE MERCHANDISE. AS A RESULT, IT WAS NECESSARY FOR HIM TO RETURN DURING NORMAL DUTY HOURS IN ORDER FOR THE MERCHANDISE TO BE PROPERLY EXAMINED TO DETERMINE WHETHER THE SHIPMENT WAS ENTITLED TO ENTRY INTO JAPAN.

THE SAME REQUIREMENTS EXIST UNDER U.S. CUSTOMS REGULATIONS AND PROCEDURES EXCEPT THAT WE WOULD REQUIRE THAT HE OBTAIN A BOND TO INSURE THAT THE MERCHANDISE

WAS SUBSEQUENTLY EXPORTED FROM THE U.S.

IN VIEW OF THE ABOVE, I WOULD SUGGEST THAT THIS  
INCIDENT DOES NOT REFLECT AN IMPEDIMENT TO INTERNATIONAL  
TRADE. THE PRESENTATION OF THIS TYPE OF COMPLAINT TO  
THE COMMITTEE MAY PROVE COUNTERPRODUCTIVE IN THAT THE  
ALLEGED RESTRICTIONS IMPOSED BY JAPAN ARE LESS CUMBERSOME  
THAN OUR OWN CUSTOMS REQUIREMENT. END TEXT.  
SHERMAN

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## Message Attributes

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